

Message Text

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ACTION SS-30

INFO OCT-01 ISO-00 /031 W

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R 041940Z APR 74

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 8055

C O N F I D E N T I A L SANTIAGO 1731

EXDIS

EO 11652: GDS

TAGS: PINS, CI

SUBJECT: HUMAN RIGHTS IN CHILE: TRIALS

REF: STATE 64524

1. SUMMARY: AMBASSADOR RAISED WITH FONMIN HUERTA APRIL 4 ALLEGATIONS OF DENIALS OF HUMAN RIGHTS TO CHILEAN DETAINEES, AND THEIR IMPACT ON PROSPECTS FOR IMPENDING FOREIGN ASSISTANCE LEGISLATION. FONMIN SAID GOC FEARED ANY YIELDING TO COMMUNIST PROPAGANDA ON THIS SUBJECT WOULD BE CONSTRUED AS WEAKNESS AND WOULD ONLY LEAD TO FURTHER DEMANDS. HOWEVER, DETAINEES WOULD EVENTUALLY BE TRIED. FONMIN ADDED THAT HE UNDERSTOOD OUR CONGRESSIONAL PROBLEM AND WOULD TAKE MATTER UP WITH JUNTA AT AN EARLY DATE. END SUMMARY.

2. DURING MY MEETING WITH FONMIN HUERTA APRIL 4 I BROUGHT UP EXTRAORDINARY UNGA, WASHINGTON MFM, AND ATLANTA OAS ASSEMBLY, WITH SPECIAL EMPHASIS ON OUR APPROACH TO SUBJECT OF TRANSFER OF SCIENCE AND TECHNOLOGY (SEPTTEL). I THEN TURNED TO DESCRIPTION OF OUR ECONOMIC AID OBJECTIVES, AS EARLIER ENUMERATED TO MINECON (SANTIAGO 1708), LISTING PL 480 ASSISTANCE, AGRICULTURAL-NUTRITIONAL LOAN, EXIM BANK CREDIT GUARANTEES, SCRAP IRON ALLOCATION, AND POSSIBLE HOUSING LOAN GUARANTEES. POINTED OUT KEY ROLE OF CONGRESS IN IMPLEMENTATION OF OUR PLANS. FONMIN EXPRESSED APPRECIATION. I THEREUPON ASKED IF WE COULD TALK WITHOUT ADVISERS PRESENT, AND MOVED TO HUMAN RIGHTS ISSUE.

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3. I RECALLED THAT IN MY COURTESY CALLS ON PRINCIPAL CHILEAN OFFICIALS I HAD ASSURED THEM OF USG DESIRE TO SUPPORT CHILEAN GOVERNMENT BUT HAD REFERRED TO OBSTACLES CREATED BY CERTAIN HUMAN RIGHTS CONTROVERSIES WHICH TENDED TO INHIBIT OUR ABILITY TO HELP. IT REMAINED OUR INTENTION, I ASSERTED, TO BE AS FORTHCOMING AS WE COULD. GOVERNMENT SHOULD REALIZE THAT PACKAGE OF ASSISTANCE MEASURES I HAD MENTIONED REPRESENTED SPECIAL DEGREE OF CONCERN FOR CHILE. WE WOULD DO WHAT WE COULD TO GET IT THROUGH CONGRESS WITHOUT CHANGE.

4. GOC SHOULD KNOW, HOWEVER, THAT DEPARTMENT WAS SERIOUSLY CONCERNED OVER CONTINUING CRITICISM OF JUNTA FOR ALLEGED HUMAN RIGHTS VIOLATIONS. IN LIGHT OF SECTIONS 32 AND 35 OF THE FOREIGN ASSISTANCE ACT, WE COULD NOT BE CERTAIN OF THE FATE OF OUR PROPOSALS IN CONGRESS UNDER CURRENT CIRCUMSTANCES. WE HAD NO INTENTION WHATEVER OF INTERVENING IN CHILEAN DOMESTIC AFFAIRS, BUT I HAD BEEN ASKED TO DISCUSS THIS SUBJECT WITH THE FOREIGN MINISTER IN THE SPIRIT OF FRANKNESS WHICH EXISTED BETWEEN US.

5. HUERTA RESPONDED ALONG FAMILIAR LINES. HE ASSERTED THAT THE COMMUNIST ATTACK ON CHILE, WHICH CENTERED SO LARGELY ON ALLEGED HUMAN RIGHTS ABUSES, WAS NOT ONLY COMPLETELY HYPOCRITICAL BUT REPRESENTED A DIRECT EFFORT TO INTERVENE IN CHILEAN AFFAIRS. THE DETAINEES IN CHILE WOULD BE TRIED FOR CRIMES UNDER THE LAW, EVEN THOUGH EXISTING CHILEAN LEGISLATION WAS ILL ADAPTED TO DEAL WITH SUCH OFFENSES AS INTENT TO ENGAGE IN MASS SLAUGHTER, CLANDESTINE ARMS IMPORTS, STORAGE OF ARMS IN HOSPITALS FOR SUBVERSIVE PURPOSES, ETC.

6. PEOPLE WHO ON INVESTIGATION HAD BEEN FOUND INNOCENT, THE FONMIN CONTINUED, INCLUDING SOME LEADING LEFTISTS, HAD BEEN RELEASED. THOSE STILL DETAINED WOULD BE TRIED WHEN THE FULL EVIDENCE WAS IN, BUT CHILE HAD NO DESIRE TO HOLD A "NUREMBERG TRIAL." ON THE OTHER HAND, TO GIVE AMNESTY WOULD BE A MISTAKE, AND THE JUNTA WOULD NOT CONTEMPLATE IT. ANY EVIDENCE OF WEAKNESS ON THE PART OF THE JUNTA WOULD ONLY ENCOURAGE ITS COMMUNIST OPPONENTS TO PRESS ON FOR FURTHER GAINS, SINCE THEIR OBJECTIVE WAS NOTHING LESS THAN THE DESTRUCTION OF THE CHILEAN GOVERNMENT AND ITS REPLACEMENT BY A MARXIST REGIME.
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7. IN FACT, HUERTA ADDED, THE PRISONERS GENERALLY WERE IN GOOD SHAPE. THERE HAD BEEN A CAMPAIGN IN THE LAST TWO WEEKS WITH RESPECT TO CLODOMIRO ALMEYDA, AND IT HAD BEEN ASSERTED THAT HE MIGHT BE AT DEATH'S DOOR. IN FACT, WHILE ALMEYDA HAD LOST SOME WEIGHT (HE HAD BEEN VERY FAT) HE WAS GETTING ALONG QUITE WELL AND HAD NO COMPLAINTS.

8. I SAID I UNDERSTOOD FULLY THE DANGER OF ANY STEP WHICH WOULD IMPAIR THE SECURITY OF THE GOC. OUR CONGRESSIONAL PROBLEM, HOWEVER, AROSE BECAUSE THERE WAS A WIDESPREAD IMPRESSION AMONG SOME ELEMENTS OF AMERICAN OPINION THAT THE PROCEDURAL SAFEGUARDS REQUIRED TO MAINTAIN ADEQUATE HUMAN RIGHTS STANDARDS WERE BEING WEAKENED IN CHILE. WHAT WOULD BE IMPORTANT TO THESE AMERICANS WOULD BE EVIDENCE THAT THE RIGHTS OF ACCUSED PERSONS WERE BEING PROTECTED: THE RIGHT TO COUNSEL, ADEQUATE OPPORTUNITY FOR COUNSEL TO PREPARE DEFENSES, A TRIAL WITH SUFFICIENT PUBLICITY TO ENSURE JUST TREATMENT, AND THE RIGHT OF APPEAL AFTER SENTENCING. MOREOVER, TRIALS SHOULD NOT BE UNDULY DELAYED WHILE INDIVIDUALS WERE DETAINED WITHOUT CHARGES.

9. MY PURPOSE IN MAKING THESE POINTS, I CONTINUED, WAS NOT IN ANY SENSE TO INTERVENE IN CHILEAN AFFAIRS OR TO INDICATE ANY CHANGE IN THE ATTITUDE OF THE EXECUTIVE BRANCH OF THE US GOVERNMENT. BUT I KNEW THE FOREIGN MINISTER WOULD WANT ME TO DISCUSS FRANKLY WITH HIM THE OBSTACLES I SAW ON THE HORIZON. I WAS RECEIVING COMMUNICATIONS EVERY DAY FROM MEMBERS OF CONGRESS AND FROM THE PUBLIC, AND I KNEW THE DEPARTMENT WAS IN THE SAME POSITION. ONLY YESTERDAY I HAD HAD WORD OF THE ARRIVAL TODAY OF THE "FAIR TRIAL COMMITTEE FOR CHILEAN POLITICAL PRISONERS" (STATE 66889). I HOPED THAT THE FONOFF WOULD MAKE AVAILABLE TO THEM, AS IT HAD TO EARLIER GROUPS OF AMERICANS, THE FACILITIES NEEDED FOR THEM TO DRAW THEIR OWN CONCLUSIONS AS TO EVENTS IN CHILE.

10. HUERTA SAID HE UNDERSTOOD FULLY THE BASIS FOR MY REPRESENTATIONS. BECAUSE OF THE BEARING OF THE CURRENT SITUATION ON AID LEGISLATION WHICH CHILE WANTED AND NEEDED, HE WOULD TAKE THE MATTER UP WITH THE JUNTA AT AN EARLY DATE. HE WOULD LET ME KNOW OF THE OUTCOME.

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11. COMMENT: HUERTA'S MANNER WAS SERIOUS BUT ENTIRELY FRIENDLY. HE GAVE NO ASSURANCES, BUT UNDERSTOOD THE BASIC POINT INVOLVED. I AM UNABLE TO PREDICT HOW THE JUNTA WILL REACT, AND WHETHER AND TO WHAT EXTENT CURRENT PRACTICES WILL BE MODIFIED.

12. THE FACT IS THAT A GOOD DEAL OF EDUCATIONAL WORK WILL HAVE TO BE DONE TO CONVINCE THE JUNTA THAT STEPS WHICH ARE LEGAL UNDER THE CHILEAN CONSTITUTION DURING THE EXISTENCE OF A "STATE OF WAR" ARE BY NO MEANS CONSISTENT WITH GENERALLY ACCEPTED STANDARDS OF JUDICIAL PROCEDURE. HAVING MADE THIS START, I INTEND TO USE APPROPRIATE OCCASIONS TO ZERO IN WITH MORE SPECIFICITY ON THE KINDS OF THINGS THAT MIGHT REASONABLY BE DONE TO SATISFY NON-COMMUNIST OPINION IN THESE MATTERS.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, POLITICAL REPRESSION, JUNTA, FOREIGN RELATIONS, POLITICAL PRISONERS, TRIALS, DIPLOMATIC DISCUSSIONS, FOREIGN ASSISTANCE
Control Number: n/a
Copy: SINGLE
Draft Date: 04 APR 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SANTIA01731
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740077-0016
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740465/aaaachus.tel
Line Count: 169
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: STATE 64524
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 18 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 SEP 2002 by kellew0>; APPROVED <05 FEB 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS IN CHILE: TRIALS
TAGS: PINS, PFOR, SOCI, CI, US, (HUERTA)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005